

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CORYION D. WHALEN,

Defendant.

8:20–CR–320

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

On December 6, 2023, Coryion D. Whalen filed a *pro se* Motion seeking sentencing relief based on retroactive application of new sentencing guidelines that took effect on November 1, 2023. [Filing 43](#). Given his *pro se* submission, and in accordance with General Order No. 2023-09, the Office of the Federal Public Defender for the District of Nebraska was appointed to represent Whalen “to determine whether [he] may qualify for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendment of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10” [Filing 44](#). Subsequent to her appointment, an Assistant Public Defender moved “for leave to withdraw as attorney for record” due to her belief that Whalen’s case lacked “justiciable issues.” [Filing 45](#). The United States Probation Office also submitted a worksheet in this case indicating that based upon its review of Whalen’s case, he was not eligible for a sentencing reduction. [Filing 46 at 2](#).

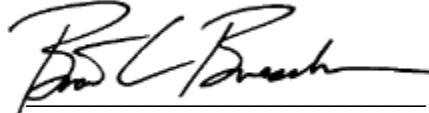
The Court has conducted its own review of Whalen’s *pro se* Motion, [Filing 43](#), along with other relevant matters in the record. The Court concludes that Whalen is not entitled to relief. Contrary to his contention, and as the United States Probation Office correctly observes, Whalen does not have any “status” criminal history points. *See* [Filing 46 at 2](#). Whalen also does not qualify as a “zero-point offender.” *See* [Filing 36 at 10](#). His *pro se* Motion, [Filing 43](#), is therefore without merit and will be denied. The Court likewise concludes that the Assistant Public Defender’s Motion to Withdraw should be granted for the reasons she set forth in her Motion. Accordingly,

IT IS ORDERED:

1. Assistant Federal Public Defender Yvonne D. Sosa's Motion to Withdraw, [Filing 45](#), is granted; and
2. Whalen's *pro se* Motion to Reduce Sentence, [Filing 43](#), is denied.

Dated this 13th day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge